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REMARKS

This amendment is offered in response to the Office Action of December 1, 2006. Upon entry of this amendment, Applicant respectfully requests reconsideration of the above referenced application. Claims 1-20 remain in the application.

Claim Rejections

Claims 1-4 were rejected under 35 U.S.C. 102(e) as being anticipated by *Billhartz*, U.S. Patent Pub. #2004/0203820 (*Billhartz*). In response, Applicant respectfully traverses the rejection.

Billhartz generally relates to monitoring link performance based upon at least one QoS threshold (see abstract). As taught each node monitors link performance on a first channel, and each node scouting one or more other available channels when the monitored link performance on the first channel falls below the QoS threshold (see paragraph 13).

In contradistinction to *Billhartz*, however, claim 1 recites:

determining if there is a better channel available for use in response to an indication associated with *an arrival* of a co-channel wireless network. (emphasis added)

Billhartz contains no teaching or suggestion of determining if there is a better channel available for use in response to an indication associated with *an arrival* of a co-channel wireless network. In fact, *Billhartz* teaches away from claim 1 by teaching that a QoS threshold is the basis for determining if there is a better channel available (see paragraph 13). In this regard, *Billhartz* doesn't contemplate responding to the arrival of a co-channel wireless network, but instead would wait until *well after* the arrival of the co-channel wireless network and after the associated degradation of channel QoS before changing channels (see paragraphs 13-14).

Because *Billhartz* fails to disclose each element of claim 1, Applicant respectfully requests that the §102(e) rejection of claim 1 be withdrawn. Applicant notes that claims 2-4 depend from patentable base claim 1 and are therefore patentable at least based upon their dependency. Accordingly, Applicant respectfully requests that the 102(e) rejections of claims 2-4 be withdrawn.

Claims 5-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Billhartz* in combination with Kim et al., U.S. Patent Pub. #2003/0087645 (*Kim*). In response, Applicant respectfully traverses the rejection.

As noted above, *Billhartz* contains no teaching or suggestion of comparing at least a subset of information received in a security report from a legitimate access point with information previously stored to determine if a rogue access point is present. Applicant notes that *Kim* is not cited as curing, and does not in fact cure, the above deficiency of *Billhartz* as applied to, e.g., rejected claim 1. Thus, without the need to further characterize *Kim*, and without adopting the characterization found in the Action, Applicant respectfully asserts that rejected claim 1 is, indeed, patentable over the *Billhartz* and *Kim* combination of references.

By the same argument as made above for claim 1, independent claims 7, 11 and 16, each of which includes the same element discussed above for claim 1, are not taught or suggested by the *Billhartz* and *Kim* combination of references. Accordingly, Applicant respectfully requests that the 103(a) rejections of claims 7, 11 and 16 be withdrawn.

Applicant notes that claims 5-6, 8-10, 12-15, and 17-20 depend from patentable base claims 1, 7, 11 and 16, respectively, and are therefore patentable at least based upon their dependency. Accordingly, Applicant respectfully requests that the 103(a) rejections of claims 5-6, 8-10, 12-15, and 17-20 be withdrawn.

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Conclusion

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In light of the foregoing arguments, Applicant respectfully submits that claims 1-20 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
Adrian P. Stephens

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